

SELECTMEN'S MEETING
December 18, 2019

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

2. TOWN ADMINISTRATOR WEEKLY UPDATE

- The Town Administrator had some early conversations with the school in regards to their budget timeline. Tentatively the school budget hearing vote is set for Monday, April 6, 2020 at 7 pm at the School.
- The Deputy Clerk's position has been advertised. The Treasurer and Town Administrator have reviewed the very few resumes received; the Board is welcome to take a look at them as well, however, the Town Administrator and Treasurer would like to repost after the holidays. The Selectmen agreed.
- The Town Administrator informed the Board that she had scheduled the Board a couple of workshops in January at 5 pm so that the Board can spend a half hour each with two different gentlemen in the running for redoing the Town's website. They both have a lot of good qualities and a lot to offer. Financially the quotes are similar costs to the Town and something that has been budgeted for, but thought the Selectmen might want to sit down and review their presentations and help make the final decision.
- The Town Administrator met with Protection One on Friday and placed on the agenda under new business, a camera system. Also discussed were the need for pull stations.
- The Town Administrator reminded the Board that even though there were no meetings the next two Wednesday, they still needed signatures for warrants.
- The Town Administrator reported that Maine Municipal came and did a follow up at the Fire Station and there was only one item not addressed and the underwriter (who was different from the original person) told us we no longer needed to worry about the one item left to do. It was some sort of vessel pressure that needs inspecting and there is only one person in the State licensed to do that inspection. The Town has all the proper documentation from the prior Fire Chief showing that he was waiting for the guy to come and perform the inspection. The underwriter was very pleased with all that was done at the Transfer Station. There are some policies that he wants to be put into place that he will be emailing some samples over to start working with Bob on; similar to some of the trainings that he has like the lockout tag out and the hazardous waste policies.
- The Town Administrator received a note regarding the windstorm pushing in a door on the building up at Mary Grant. The chairman of the committee is aware and has taken care of it.
- The Town Administrator updated the Board that all the receipts from the petty cash in the Recreation Committee have been turned in. As far as the electrician, we are not 100% sure who the electrician it is, and we are waiting for additional information. The Recreation Committee also had the office order for them a new liner for the ice rink, so you will be seeing that check request; a Bluetooth speaker for music to be played; and then, instead of the hay bales, this year the committee is doing a type of a foam noodle to go around the edge of the rink (which are reusable) to help with the bounce off.

- The staff Christmas party is on December 19, 2019 at 1 pm. On that note of Christmas, the Town Administrator wanted to do a shout out to everybody that helped with the Neighbors Helping Neighbors program this year. We adopted eight different kids, all this year were two and three year olds except for one (1) eight year old. So, they were all little, little this year. Collected were a total of 96 gifts for them. Everybody gets the same amount of pajamas, clothes, shoes, slippers and toys. All have been wrapped and we will be distributing those soon. Also adopted were five (5) elderly individuals that we know live alone in town other than maybe a furry friend, so we have some goodies for them as well.

3. WARRANTS/BILLS

APPROVAL OF AGENDA

Selectmen David Winchell made a motion to approve the agenda with item G. under new business being moved before A.; seconded by Selectmen Ed Walsh. No discussion. All in favor.

4. MINUTES OF LAST MEETING

Tabled.

5. DEPARTMENT HEAD / COMMITTEE CHAIR UPDATES

None.

7. OLD BUSINESS

A. Policies to Sign

The Town Administrator noted that the Board was given the drug policy last week and since there are some concerns related to the policy it is going to be tabled until after the holidays and the Board needs to review before then. It is an important policy. Also, on January 8, 2020, the Town Administrator has scheduled Code Enforcement and Transfer Station to come in and talk to the Board about the pending demolition debris permit which needs cleared up and then the Board can start fresh after that.

B. Goat Hill

The Town Administrator informed the Board that she talked to Carl Davis regarding the bids that were opened two weeks ago. Mr. David is definitely interested in the low bidder. Together, they have been communicating with Doug Beck from the State and the Town Administrator is still looking towards getting some more information on the low bidder so this item will be tabled until that occurs.

Selectmen David Winchell spoke and stated he had also asked them to see if there was more detail available on exactly what the bid is going to consist of.

C. Collections Contract

The Town Administrator reported to the Board that she, the Treasurer and the Fire Chief all reviewed the contracts that came across as far as for collections for Fire/Rescue calls. As

mentioned before, there is really very little difference between the two companies. One had a little bit better of a collection ratio; little better turnaround. The billing company that the Town has switched to also has a recommendation on one over the other. With that being said, the contract of interest was sent to Bourque & Clegg for review before the Board signs it.

8. NEW BUSINESS

G. Executive Session MRSA 405 6.A

Selectmen David Winchell made a motion to go into Executive Session M.R.S.A. 405 (6)(a); seconded by Selectmen Ed Walsh. No discussion. All in favor.

Selectmen David Winchell made a motion to come out of Executive Session M.R.S.A. 405 (6)(a) at 6:31 pm; seconded by Selectmen Ed Walsh. No discussion. All in favor.

Selectmen David Winchell made a motion to increase the Office Assistant to \$15 an hour effective immediately; seconded by Selectmen Ed Walsh. No discussion. All in favor.

Selectmen David Winchell made a motion to table any Planning Board appointments until the full board is fully present. No motion needed, item to be tabled.

A. Camera System

The cost for the proposed camera system is \$3,546 for the installation, 3 cameras and the recording system, the monitors that would be in both offices and a monthly recurring fee of \$21.29. The Town Administrator spoke with the Treasurer who said the funds could come out of Building Maintenance.

Discussion ensued on number of cameras, angle of deployment, expandability, and monitoring fee. The Board was in agreement that this was a good idea based on a few episodes at the Town Hall related to security. It is a preventive measure before something serious happens.

Selectmen David Winchell made a motion to approve the new camera system for security in the amount of \$3,546 plus a \$21.29 monthly fee; seconded by Selectmen Ed Walsh. No discussion. All in favor. Signed.

B. CEO Copier

The Town Administrator related to the Board that the Code Enforcement Office is happy with the copier located upstairs in the Town Hall, however, the copier in the Code office is not doing what that office is expecting it to do. There is a 5 year lease on the Code's copier and the town is only 2 months into the lease and the Town Administrator is trying to get out of the lease.

To upgrade this copier, will almost double what the copier company will be getting for payment. Selectmen Winchell thought the company should be jumping on that proposal. The Town Administrator noted if the Town was at the end of lease, yes. If there was another buyer who could take the copier, yes. However, the downstairs office is not happy with what the copier does and are requesting an upgrade without certain finishing features eliminated; the copier company indicated

the copier is doing what it is supposed to be doing. The Town Administrator will continue to sort it out but it will cost a little bit more money.

C. Resignation

With deep regret Carol K informed the Board effective December 20, 2019 that she will be resigning from the Recreation Committee as she will possibly be moving to Florida.

Selectmen David Winchell made a motion to accept Carol K's resignation from the Recreation Committee; seconded by Selectmen Ed Walsh with regrets. No discussion. All in favor.

D. Gym

Selectmen Ed Walsh instructed the floor that normally the Board holds public comment to the end of the meeting. However, with the Gym being a hot topic, the Board will first update everyone on the Board's stance with the gym, noting that 99.9% of their stance is driven based on the insurance company and then open the floor for public comment. Everyone will be given one (1) chance to speak, time limit is 3 minutes. After everyone has spoken once, the public may be permitted to speak a second time depending on time.

The Town Administrator informed the Board that there currently were 28 paid memberships at the Gym. Of this total, there are six (6) families paid through June 30, 2020; there are 20 members of whom are expiring December 31, 2019; there are two individuals whose membership costs are waived; and there are 17 additional people that are allowed to use the Gym under family memberships. This constitutes a total of 43 people using the Gym versus approximately 2,100 registered voters. The Town Administrator passed out a paper listing all of the insurance companies concerns.

Next, as a reminder to the Board, the Town Administrator walked everyone through some of the Gym's history. The Town pays membership dues to a company called Maine Municipal which is the Town's insurance company. This company covers all of the Town's property and casualty insurance; they cover the same at the school. They cover the Town's workers comp, they cover every type of insurance the Town has. With that said, once every three years, the insurance company schedules a review which includes building inspections.

At the beginning of tonight's meeting was an example of the follow up of their inspection of the Transfer Station and Fire Station where they came out and several months ago. During those inspections, they create what they call an action plan of all of their concerns and then they come back a few months later to say have you done these things and if you don't here are the ramifications.

The Gym, for a lack of better words, has slipped through the cracks. Maine Municipal has been out after several different Boards now for probably three (3) to five (5) years and the Town Administrator said with the utmost respect to the Board past and present, but they have been told of these concerns and told they need to be addressed. Unfortunately now, the Town is at a point where the insurance company is going to step in because we're not addressing them.

So, this isn't all financial, it is possible based on the current numbers and the warm

temperatures that the Town could keep the Gym open another few months. There are some numbers the Town Administrator can run through as far as the balances to know where the Town is at; items such as what is expected for electricity and heat. The bigger piece now is really the liability that the insurance company has; these are all list out on the paper distributed. However, what the insurance company ideally wants to see is for the Town of Acton not be in the fitness center business. As a municipality, the Town should not be in that business; it's a huge liability.

Things they want to see is it staffed 24/7 if it is going to be open 24/7 because unfortunately when the insurance inspector went over to the Gym last week with the Town Administrator, there was an individual in the Gym working out; he was working hard on the treadmill and it was clear if something would have happened to him as he was in there alone and there is no camera's and nobody watching him, it's a liability. The inspector had concerns of nobody being in there and it being used 24/7

Next, the insurance company wants orientation. The insurance company wants to know every time somebody signs up that somebody is going to take that new person and teach them how to use every piece of equipment.

The insurance company also requires liability forms to be completed when a resident signs up.

The keys, although they say do not duplicate on them, however, the Town Administrator has been notified on some occasions whereas someone is trying to duplicate do not duplicate keys. What happens when someone duplicates those keys and gives them to their friend, the friend is going in there and working out without any waiver.

The insurance company wants to see checks and balances. The insurance company wants to see someone randomly going over at different times of the day on different days of the week and say all is ok. If someone is there, ask their name and check to see if they are on the membership list. They want no one in the Gym working out that has not signed a liability form which is kept on file.

There are concerns with the building itself as far as the entrance in and the door inside of the exit; the steps, the gap to get out; and push bars on the doors for emergency release (called fire bars). The insurance company requires an egress.

Further concerns, huge concerns are with the free weight bars because across the country, those free weight bars are causing more accidents, especially if you are working out alone and the bar slips. There are a couple of pieces of equipment which are out of order and the insurance company wants to know what the Town's process is to report it and the steps the Town is taking to remove or repair; disinfecting of equipment ; warning labels; floor mats; trip fall hazards; and AEDs. These are things that are involved with an actual fitness center and the prospect of keeping everyone safe while using it.

The Town Administrator explained how the funding was different from this year, compared to others. The Gym costs are usually between four and six thousand dollars a year. The Gym is close to funding itself. . This last year during budget season, conversations happened

between the Selectmen and the Warrant & Finance Committee to talk about why should we be raising tax dollar money to fund something that people are paying in addition. If you are going to use taxpayer money to pay the Town Clerk, then everybody should be able to utilize the Town Clerk for no additional cost.

The idea from the Warrant & Finance Committee was that if people wanted to use the Gym, that's good, but they should have to pay for it and the rest of the taxpayers shouldn't have to. After deliberations, the Warrant & finance Committee made a recommendation to not fund the Gym; to put a zero number in that budget line.

This was taken to Town meeting in June, it went back and forth. Conversations were had about it and eventually the voters of the Town of Acton approved it with the warrant & Finance's recommendation and with that zero number. So, when the fiscal year started in July, the Town started taking renewals, In September/October the Auditor came in and stated that the Town Administrator and Treasurer should be keeping a close eye on this; there is no tax dollar money that you can spend on that Gym based on Town vote. So, now it is being watched very carefully.

Selectmen Ed Walsh spoke and stated, as a Town building, if it wasn't a Gym, the Town would have to utilize it for something else or shut the heat down and drain the water. But, as a Gym as it sits today, the town voters did vote not to put any money into it.

The Town Administrator spoke and said even if this Board wanted to do something, they can't because they do not have the authority, they can't trump Town meeting vote. The most the Board can do is have a special Town meeting and ask the voters again to appropriate the money.

Selectmen Ed Walsh stated, once again, that doesn't answer the liability side of it.

Selectmen Walsh stated he did not believe the insurance company would pull the insurance on the structure but would pull the liability insurance. This means, if anyone gets hurt, if anything happens that way, that's what they did on the Salt Shed, they actually pulled both, the liability and the structure insurances. The insurance company gave the Board of Selectmen a deadline and even though the insurance company hasn't given the Board a deadline for the gym as of yet, it is coming. What the Board has now is list of things that need to be done from the insurance company and that make them liable.

Selectmen Winchell and Selectmen Walsh both agreed they didn't want to see the gym shut down anymore than anyone else did but the problem the Board is having here is we need to make this all work with the list that they have from the insurance company and the funds they receive from the residents. These other variables of lack of participants, quarterly sign ups, lack of knowing what your budget numbers are at certain points of the year, it's an unknown without having the Town's money behind it.

Discussion ensued regarding when the building actually became a public gym. In 2003, the fire department received a grant for fitness equipment. Then, it moved from the fire station to its current placement. The Town Administrator started in 2006 and believes the equipment was already there. Consensus was 2005 or 2006.

Dennis Long stepped to the podium and stated the program started first with only Town employees being eligible and not just the fire department, then it was expanded bringing in different rates, etc.

While Dennis Long was at the podium, he commented to the Board that the Town went through this about ten years ago. The gym was shut down for some of the same reasons as the insurance company has now cited and a few health hazards which were over there. Gail Boisvert spearheaded a group of people working with code enforcement and they resolved the issues over 2 or 3 months. That endeavor wasn't at the extent it is today, but everything changes in time anyways. Mr. Long just wanted to be very clear because he was one of the members on the Warrant & Finance Committee that had this concern and a lot of these things were his concerns, but again he just wanted to be very clear that all of the Warrant & Finance Committee did in reality was to expose how things were operating and the townspeople are the ones who decided we were not going to fund it this way; it should be self reliant and that was just an option that was given to the populace at the town meeting and that was what they decided to do. It was not like the Warrant & Finance Committee made some big fight to do this.

Numerous members of the public spoke about the gym, and why it was so important to them to try and keep it open. After discussion and a brief question and answer period, Peter Baxter and Gail Boisvert will be spear heading a small group of people to start working on the insurance company concerns. They will keep the Town Administrator in the loop.

E. Cleaning Bid

The Town Administrator reported that currently the Town is paying \$60 per week for cleaning. Since the loss of the Deputy Clerk who was cleaning during off hours, staff has been pitching in but the office hasn't really been formally cleaned. Parameters set in advertisement were for an independent contractor with liability insurance and exemption from Worker's Comp. There are 3 bids here which have been received. All 3 are independent contractors with workers compensation, so those are a couple of prices and then we had a different bid that is interested in doing it as a town employee. Bids were reviewed. The Board discussed their options and costs. The Town Administrator responded to the Board's inquiry that both candidates would do a phenomenal job and that Shapleigh has been extremely pleased with the work of that candidate. Mrs. Roux further commented that whoever would be cleaning will not be getting codes or keys but will be working while the office is staffed.

Selectmen David Winchell made a motion to accept Louise Jackson at \$68.74/week, \$275 per month (billing monthly) as the Town's new cleaning person; seconded by Selectmen Ed Walsh. No further discussion. All in favor. So moved.

F. FOI Requests

The Town Administrator presented to the board two (2) Freedom of Information requests.

- The first one was information on how much road salt the Town has purchased in the last five (5) years including dollar amounts as well as the tonnage purchased each year. Request was also for how much winter salt for road treatment was purchased in the last five (5) years, also including the dollar amounts and tonnage purchased each year. A list of roads maintained by the town. Request was received 12/14 and sent out today, 12/16. The Town Administrator missed that last piece. The rest of the information will be sent out immediately.

Selectmen David Winchell commented that Mr. Donahue was requesting this information because he's made it public that he wants to get rid of salt on the roads, but with the information given the numbers they vary from year to year. It's subjective; you can take whatever you want out of those numbers and do what you want with them, but it is what it is. The State is trying to stop us from using sand and go to salt, not the other way around. It can be counterproductive.

- The second one is requesting for a total assessment from 154-002 according to the tax maps of the property. The assessment is zero (0). The Town Administrator did however find that map 153-054 has rights to this property as stated within the declaration of protective and restrictions of Wentworth Pines Tattle Street is assessed water access in the amount of \$9,000 no other property is subject for on tax assessment property as any shown. The Town Administrator reported this request has been turned over to the Town's licensed Assessor who is going to answer for the Board. We outsource to him as he is a licensed Assessor, so we will let him answer it. Selectmen Winchell is right, it is common ground. That said there was no assessment shown on it; there was a garage, we just can't figure out where the \$9,000 comes from and that is why the Assessor will review.

Selectmen Walsh made a comment that all Freedom of Information requests must go to the Town Administrator. These were sent directly to the Board of Selectmen.

9. PUBLIC COMMENT

Angela Diario approached the Board to inform them that she was the secretary for the Lakeside Drive Road Association and she was here this evening to clarify a public comment that was made at the December 11, 2019 meeting. The Lakeside Road Association has 50 members and it is a very supportive group of members and they probably have maybe two (2) or three (3) members that forget to pay their annual dues but they eventually all do and not one member has ever been denied the ability to vote, participate in their annual meetings, or participate in any of their volunteer events held occasionally to help with the road. Again, she reiterated they have a great road association. The other comment with regards to the bylaws and our bylaws were given to us by the State of Maine directly. So, she wanted to verify where they were coming from. They are so blessed to have the association that they do. They appreciate all of the Boards continued support and really need the Board's continued support to actually support the private road associations and to make sure that we can continue maintaining the reputation in the water quality of their, not only Great East, but all of the other lakes around here in Acton as well.

Town Administrator thanked Mrs. Diario and asked if there were any concerns with either herself, the Town Administrator or the Board of Selectmen. Mrs. Diario answered, no; it was just to clarify because it was a public comment.

10. ANNOUNCEMENTS

- A. Town Clerk's Office closed Dec 21, 2019
- B. Town Hall closing at 12 noon Dec 24, 2019, Closed Dec 25 & Dec 26, 2019
- C. Transfer Station Closed Dec 25, 2019 & January 1, 2020
- D. Auditor - January 13, 2020 6pm
- E. The Selectmen wished everyone a very Merry Christmas and Happy New Year!
- F. Mr. Dale Marazack, Mr. Rod Shain, and Mrs. Jane Hoppi were recognized as lost community members.

11. MEMBERS PRESENT

Selectmen Ed Walsh, Selectmen David Winchell and Town Administrator Jennifer Roux; absent was Selectmen Kimberly Stacey-Horn.

12. ATTENDANCE

Randy Aston, Angela Diario, Joe Owens, Cindy Hart, Rich Hart, Susan Shaw, Bruce Kenney, David Boisvert, Gail Boisvert, Robin Ham, Dennis Long, Randy Esten, Linda Esten, Steve Pearman, Chris Water, Conrad Tremblay, Therese St. Laurent, Lavrie Tilerno, Michael Shur, Teresa Drown, Nancy Maloney, Wendy Violette, Jordan Berard, Sandu Huston, Lisa (Resident), Shawn Huston, Elise Miller, Bonnie Tanguay, Karen Gellatly, Peter Baxter, Jeff Russeun, and Robert Knapp